

## **ORDINANCE NO. 5782**

AN ORDINANCE TO AMEND CHAPTER 92 **ANIMALS** OF THE FAYETTEVILLE CITY CODE TO PROVIDE PROTECTION FOR ANIMALS FROM BEING CONFINED IN ENCLOSED VEHICLES IN EXTREME TEMPERATURES, TO PROHIBIT DECEPTIVE ACTS AND MISREPRESENTATIONS REGARDING THE ORIGIN OF ANIMALS TURNED INTO THE FAYETTEVILLE ANIMAL SHELTER, AND TO MAKE OTHER TECHNICAL REVISIONS

**WHEREAS**, the City should protect animals confined in vehicles during periods of extreme temperatures; and

**WHEREAS**, the Fayetteville Animal Shelter staff have experienced a large number of people attempting to turn in animals to the shelter who are not Fayetteville residents or who found the animal outside of the Fayetteville city limits, which creates an undue burden on shelter resources and makes reunification much more difficult; and

**WHEREAS**, additional revisions to this section to clarify procedures regarding microchipping, redemption of animals, spaying and neutering, and penalties for violations of this section will provide clarity to staff and Fayetteville residents and also improve the efficiency of the Animal Services program.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby enacts § 92.02(G) of the Fayetteville City Code as follows:

92.02(G) No person shall:

- (1) Confine an animal in an unattended, enclosed vehicle where the outside temperature is 70 degrees Fahrenheit or greater and the interior of the vehicle is not provided with conditioned air or adequate ventilation to maintain an internal temperature of 100 degrees Fahrenheit or less.
- (2) Confine an animal in an unattended vehicle where the outside temperature is 30 degrees Fahrenheit or less and the interior of the vehicle is not provided with heated air to maintain an internal temperature of at least 30 degrees Fahrenheit.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby enacts § 92.42 of the Fayetteville City Code as follows:

92.42. Deceptive acts and misrepresentations prohibited.

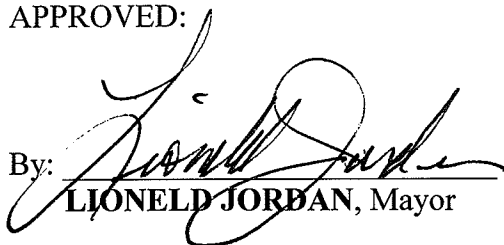
- (a) No person shall obtain possession or custody of any domestic animal for or on behalf of the owner thereof for the purpose of avoiding payment of fees or penalties imposed upon the owner by this chapter.
- (b) No person shall intentionally misrepresent his or her residency to the personnel of the Fayetteville Animal Shelter.
- (c) No person shall intentionally make any misrepresentation regarding the origin of an animal being presented to the Fayetteville Animal Shelter.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends § 92.23(B), § 92.24(A), § 92.24(D), and § 92.99(A) as shown in Exhibit "A" attached hereto and made a part hereof.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends the terms "destroy" or "destroyed" to "euthanize" or "euthanized" where they occur in § 92.04(B), §92.23(B), and § 92.24(A).

**PASSED** and **APPROVED** this 7<sup>th</sup> day of July, 2015.

APPROVED:

By:   
LIONELD JORDAN, Mayor

ATTEST:

By:   
SONDRA E. SMITH, City Clerk Treasurer



## EXHIBIT A

**§ 92.23(B)** Whenever any animal in the animal shelter has been microchipped, it shall be the duty of the animal control officer to notify the owner or the person to whom the microchip is registered, if such person or owner can be found, that the animal has been taken up and placed in the animal shelter and will be euthanized or placed for adoption within 7 days unless the fee hereinafter prescribed is paid. If the owner or person to whom the microchip is registered cannot be found, the animal control officer shall, by registered mail sent to said person's last known address, notify said person that the animal has been impounded at the animal shelter, and will be euthanized or placed for adoption within 7 days if the fee hereinafter prescribed is not paid. For the purpose of this section, the first day of taking up shall be counted as the first day of the impoundment period provided herein.

**§ 92.24(A)** After the expiration of seven (7) days impoundment in the case of a microchipped animal, or the expiration of five (5) days impoundment in the case of a non-microchipped animal, said animal shall become the property of the City, and the City shall be empowered to place for adoption or to euthanize and dispose of said animal as provided for in §92.23 (B) above. The animal control officer is hereby authorized to place for adoption or to euthanize such animal and dispose of the carcass. For the purpose of this section, the day of taking up shall be counted as the first day of the impoundment.

**§ 92.24(D)** Pursuant to Ark. Code Ann. § 20-19-103, no unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized, and after the adoption fee has been paid. An adopter who fails to comply with the sterilization provision of the agreement shall be guilty of a misdemeanor.

**§ 92.99 (A)** Whenever in this chapter an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such chapter the doing of an act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this chapter shall be punished by a fine of not more than \$500.00 or double that sum for each repetition of such offense, or violation; provided, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state but in no case shall any penalty be less than \$50.00. If the violation of the chapter is, in its nature, continuous in respect to time, the penalty for allowing the continuation thereof shall not exceed \$250.00 for each day that the same is unlawfully continued.